

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHN L. ALLEN,

Plaintiff,

Case No. 05-C-975

v.

MATTHEW FRANK, Secretary,
Department of Corrections,
PHIL KINGSTON, Former Warden,
CCI, BUNI KUMAPAYI, R.N., M.S.,
DR. MARK A. KLIEWER,
Staff Radiologist, DR. FREDERICK
KELCZ, Staff Radiologist, CLARK
SCHUMACHER, Fellow Resident,
SEAN SHANNAHAN, Fellow Resident,
PATRICIA SIEDSCHLAG, Manager,
HSU, CCI, ANN SEMROW, Manager,
HSU, CCI, DR. GARY BRIDGEWATER,
Medical Doctor, CCI, JAMES GREER,
Director, Bureau of Health Services,
RICK RAEMISCH, Officer, OOS, CCI,
CINDY O'DONNELL, Officer, OOS, CCI,
JOHN RAY, Complaint Examiner, DOC,
SANDRA HAUTAMAKI, Complaint
Examiner, DOC, WILLIAM NOLAND, ICE,
Review System, CCI, CYNTHIA THORPE,
ICE, Review System, CCI, MICHELLE
ALBRECHT, ICE, Review System, CCI,
AMY MILLARD, ICE, Review System, CCI,
NANCY HAHNISCH, R.N., CCI,
PAUL PERSSON, R.N., CCI, STEVE
HELGERSON, R.N., CCI, DAVE DITTER,
Unit Manager, CCI, and MIKE MARSHALL,
Social Worker, CCI,

Defendants.

OPINION AND ORDER

The Plaintiff has asked the court to enter default against Defendants William Noland and Gary Bridgewater. The Clerk of Court's docket shows that these Defendants have been served. The docket (a copy of which the Plaintiff requested and was sent in March of 2006) also shows that Defendant Noland answered the Complaint on February 15, 2006. Therefore, he is not in default.

The docket does not show that Defendant Bridgewater has answered or otherwise responded to the Complaint. However, the Process Receipt and return in the record shows that Bridgewater was not personally served. The secretary of the warden of the Columbia Correctional Institution accepted service. The bottom of the form states that Bridgewater is "no longer at OCI." These facts suggest that service may not have been proper. Therefore, until the status of the service is clarified, the court will not enter default against Bridgewater.

For these reasons, the court ORDERS that the Plaintiff's "Request to Enter Default" (filed March 23, 2006) IS DENIED.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin, this 12th day of April, 2006.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge